

# The Nation.

NEW YORK, THURSDAY, MAY 25, 1871.

## The Week.

THE treaty will probably have been ratified by the time this reaches the majority of our readers. The expressions of opinion on the part of the country at large have been almost unanimous in its favor, and although it falls far short, as we predicted it would, of meeting the extreme views which prevailed at and during the war, it meets fully the demands of the sober judgment of the best portion of the American people. Let us add that Caleb Cushing, who has written a letter on the subject, has not overrated its importance when he pronounces it not only unprecedented in character, but its conclusion the opening of a new era in international relations. It is the greatest gain for civilization which our age has witnessed, the most solid victory which the great cause of Peace has ever won. Of all the splendid contributions made by the Anglo-Saxon race towards the art of government; of all the things it has done to "make reason and the kingdom of God prevail," we do not know one—extravagant as it may sound—which will, as it seems to us, hereafter take a higher rank. Since this great contention has been settled round a table by a party of jurists, it is hard to see in what way a true *casus belli* can ever again arise between the only two nations which have thus far succeeded in saving liberty without imperilling order.

The correspondents of the New York *Tribune* and of the Cincinnati *Commercial* are still undergoing a sort of farcical confinement in a committee-room of the Capitol, surrounded in the daytime with their wives and children, and served with all the delicacies of the season, for refusing to tell where they got the copy of the treaty. To produce this ridiculous result, the Senate expended a week of an extra session called to consider perhaps one of the most important treaties ever laid before a deliberative body, and is now placed in the supremely humiliating position of having exhausted its powers without accomplishing its object. The correspondents will, of course, soon have to be released, and will then join the rest of the country in the laugh at their judges which is now going on. The *Capital*, whose editors have had considerable experience, however, in this business of Washington correspondence, says one very wise, and sound, and respectable thing about the whole matter, and that is, that real "professional honor" ought to prevent correspondents accepting information from any source which they are ashamed to reveal; that the disgrace lies in this case not in telling where they got the treaty, but in taking it from a man who dares not own that he gave it. As long as newspaper men place themselves in such positions, they must expect to have the term "gentlemen of the press" used with a smile, as a kind of nickname.

The folly and inefficiency of this proceeding is not unlikely to hasten the return of sounder views on this whole matter of legislative inquisitions. During the excitement of the war, and under the influence of the passions which grew out of the war, and under the instigation of sages like Thaddeus Stevens and B. F. Butler, Congress fell into the habit of "investigating" on the most frivolous pretexts, and examining people on all sorts of subjects with which the legislature had nothing to do, and which in no way concerned public business. The climax of this absurdity was reached when the House appointed a committee to find out what Judge Field of the Supreme Court said at Jerry Black's dinner-party, a mystery which, however, never was solved; and the whole business of investigating was made odious and contemptible when Butler was authorized by the House to collect a barrelful of private telegrams, and overhaul them, for the purpose of discovering whether Republican senators of the highest standing had not taken bribes in a judicial proceeding. Let us hope that we are now going to witness a return to saner and more constitutional ways.

Public opinion will be strengthened in insisting that these extravagances shall come to an end by a decision which has just been rendered by the Supreme Court of Massachusetts, discharging from custody a person imprisoned by order of the State Senate for refusing to answer questions which would criminate him. Judge Wells, who pronounced the judgment, held—and we presume this is as good law in Washington as in Boston—that the legislatures cannot deprive men of their rights under the Constitution; and that attacks on personal liberty which these bodies cannot make by enactment, they can still less make by mere order, for the purposes of "investigations," whether frivolous or serious.

Mr. Vallandigham has made his appearance in public once more at a Democratic convention in Montgomery Co., Ohio; and produced and got adopted a platform, which most people will read with considerable surprise, and which, if it should secure acceptance at the hands of the party at large, will be entitled to the rank of a political event of the first importance. If, too, the Democrats should put on it, at the next Presidential election, a candidate of high standing and character, of good Union antecedents during the war, the consequences would most likely be such as Messrs. Cameron, Forney, and the like would at first contemplate with horror, and then adapt themselves to with commendable alacrity. The great difficulty in the Democratic path is, however, well expressed in the popular proverb, "Fine words butter no parsnips." People somehow do not believe in Democratic promises, no matter how glowing they are. The difficulty, in short, is one of character. The new platform, which is to be called "the Dayton platform," declares by-gones to be by-gones; accepts the three last amendments to the Constitution; proclaims the equality of all the States, and denies the right of any State or States to deprive others of representation in Congress; protests against centralization; declares that all legislation outside the Constitution is essentially temporary in its nature and liable to revision; calls for a universal amnesty; for the early payment of the public debt; for a reduction in the number of tax-gatherers; for equality, uniformity, and justice in taxation; for a reform of the civil service; for a revenue tariff simply; for the basing of taxation on wealth, and not on population; and for a speedy return to specie currency, as the only sound one; expresses sympathy with capitalists, and also with laborers; opposes further grants of public lands to railroads; denounces the San Domingo scheme, the "Bayonet Bill," and "the Ku-klux Bill," and, finally, "the Radical party of 1871," which it says is "neither the Republican party of the period previous to the war nor the so-called Union party during the war." It is right to add, however, that the platform does not as yet find favor even with the Democratic press of Ohio.

An attempt, which, under the circumstances, cannot be called creditable, to say the least, has been made during the past week by telegraphing to newspapers, and other means of a similar character, to spread abroad the belief that Judge Smith's decision at Rochester in the Erie and Susquehanna litigation, on which General Barlow based a considerable portion of his charges as to the manner in which that litigation had been conducted by the counsel for the Erie road, had been reversed by the General Term on appeal, and the performances of the Fisk party thus relieved from the imputations which the Judge fastened on them. This is wholly untrue. The judgment has been affirmed on every point which has the smallest bearing on the manner in which the now famous election at Albany was conducted, and in which the accompanying litigation was carried on. The suit before Judge Smith was in the nature of a *quo warranto*, and was brought by the Attorney-General merely to try the question whether the Fisk directors or the Ramsey directors were lawfully elected, and which were entitled to the possession of the road. The General Term has affirmed so much of the judgment as declares "void the election of the Fisk board, and valid that of the Ramsey board," and orders that the Ramsey board "be let into possession of the property and

franchises of the Company," thus endorsing by implication Judge Smith's opinion of the manner in which the Fisk party carried on the election. There is not one word of dissent in the judgment of the General Term from his conclusions on these points.

The points on which the judgment of the court below are reversed are simply points of law, and have nothing to do with the conduct of the Fisk party. The Attorney-General asked that the defendants be restrained from the prosecution of further suits brought in relation to the matter in controversy, and Judge Smith did so restrain them. The General Term holds that the Attorney-General has no title to interfere in such a matter, and that no such injunction can be granted *on his application* in such a suit, on the ground that it would be "a dangerous precedent to allow the Attorney-General or any other officer of the Government to intermeddle in litigations between individuals." The other point on which the judgment of the court below is reversed is where it grants the costs of the action to those of the defendants who have been declared duly elected, against those of them whose election has been declared void; but this is merely a point of practice. Finally, let us add, the General Term does not, as some papers have disingenuously tried to persuade the public, relieve the Fisk counsel from the imputations cast on them by Judge Smith with reference to these proceedings. It is true that Judge Mullen tries to make things pleasant at the close of his opinion, but what he says is that he has seen nothing "unbecoming" in the conduct of the counsel in "these proceedings and the action," meaning, of course, the suit in which he was giving judgment. But nobody ever said that there had in *this* suit been anything improper. It was in the previous litigation which led to the action brought by the Attorney-General that counsel were, to use the boys' phrase, charged with "cutting up," and that charge has not been met or refuted before any tribunal or anything resembling a tribunal.

The Woman's Rights camp has again been the scene of frightful commotions, brought about partly, we believe, by the adherence of the two (or three?) rival organizations to the fond and foolish custom of holding their "anniversaries" in the same month and in the same city, and partly by a police case, in which Mrs. Victoria C. Woodhull's domestic relations were brought into light, and which, as Satan would have it, came on just about the time of the annual meetings. The evidence revealed the fact that Mrs. Woodhull has been divorced from her first husband and is living with the second, from whom she has also been once divorced, but to whom she has been remarried, and all three reside in the same house. The first husband, it appears, is an incapable sort of person, living on the bounty of Mrs. Woodhull and of the second; and the latter is at sword's-point with his mother-in-law, who swears he threatened her life, while *he* swears he only threatened to "spank" her. He now goes by the name of Blood, and was an advertising doctor, and practised, it seems, under divers aliases, but at present fills the position of "Co." in the firm of Woodhull, Claflin & Co., engaged in the publication of a weekly paper, and, its enemies declare, the more profitable business of blackmailing. If anybody says, on reading the above, that this is very disgusting stuff to introduce into the *Nation*, we can assure him we entirely agree with him. It is disgusting; but we are not to blame. We have been pointing out for two years what this Woman's Rights movement, as it has been conducted, was tending to; and now that we almost have our hand on the proofs of the soundness of our previsions, we are not going to be driven off by foul sights or foul smells.

*Harper's Weekly* calmly informed us, two weeks ago, when, discussing "sex in politics," we ventured to assert that if women entered the political arena the probabilities were that the female politicians would, in their moral qualities, after a while closely resemble the male politicians—that is, that politics would speedily become a refuge or career for female adventurers of bad reputation, and thus make public life a foul sink of impurity, and paralyze reform, it might be, for a century—that the probabilities were all the other way, and bade us look at the influence of women in literature and in the drawing-room; as if literature and drawing-rooms were places in which the sexual pas-

sion could be brought into play to help in the winning of an exciting game, in which the stakes were high; as if Morrissey and Tweed gave any trouble in literature or drawing-rooms, or in any manner troubled the waters of social life. We now ask *Harper's Weekly* to consider attentively the Woodhull case. Mrs. Woodhull has in one short year risen to the head of the strongest and most popular section of the woman's suffrage party. She owns and edits by far the most widely-circulated organ of the movement. She lives the life of a "free lover," and announces openly that she holds the free-love theory in its entirety, and has a reputation damaged in every direction. Nevertheless, she is accepted as a leader with enthusiasm, not by the denizens of the slums and groggeries, but by a considerable number of excellent women; they refuse to pay any attention to her character, and declare they care not what she is, or what she was, so long as "she can speak the word for the hour"—to use the latest bit of platform jargon—and sit at her feet, and listen to her expositions of constitutional law with profound faith and reverence, and maintain that one has only "to look into her blue eye" to know she must be good, no matter what is said about her. It must be remembered, too, that as yet the women are only playing at politics; that there is as yet nothing but notoriety to be gained by their agitation; and that the constituency to which Mrs. Woodhull appeals is a picked body of persons of strong moral or religious feelings. We think any fair-minded persons may readily picture what would happen, when the struggle began in dead earnest, with subsidies, charters, and "treats" of all kinds for prizes, and with the common run of voters for constituents. What is most strikingly revealed in the Woodhull case, too, is the readiness, and even eagerness, with which the female agitators have adopted the male politicians' indifference to character, as long as the champion is "sound," and can "speak the word for the hour."

The Republican State Convention of Kentucky met at Frankfort last week, with the not inconsiderable advantage of having been preceded by the Democratic Convention on the 3d instant. That body had proved a disappointment to the more sagacious if not more liberal Democrats represented by the Louisville *Courier-Journal*; for it not only endorsed the still-born Congressional Democratic address, but nominated men who are mainly identified with the bigoted policy which distinguishes Kentucky above any other of the former slave States. However, it is conceded that the nominations are not all bad; and that the Republicans may as well give up the idea of defeating Mr. J. G. Carlisle for Lieutenant-Governor, or Mr. D. H. Smith for Auditor. If they elect their own nominees for Attorney-General and Register of the Land Office, as they hope to do, they will be more successful than could be expected from the strength of the party, as shown in the elections of the past three years. The two platforms agree in demanding complete amnesty; but, whereas the Democratic resolutions glibly denounce lawlessness, whether in the form of "unconstitutional enactments or of organized bands," the Republicans reproach their opponents for not passing laws to suppress the Ku-klux, for not making adequate provision for popular education, and for rejecting negro testimony in the courts. This last injustice seems in a fair way of being removed, since Judge Cofer, of the Seventh Judicial District, has instructed the Grand Jury to admit colored witnesses. The Judge was an officer in the Confederate army, but he argues soundly for the supremacy of the United States Constitution and laws.

The extremely quiet condition of trade throughout the country furnishes but little employment for money, so that greenbacks and national bank-notes accumulate in increasing quantities, and the rate of interest has fallen to a lower point than ever before known in the history of the country. Loans on call are reported to have been made as low as two per cent. per annum, and prime commercial bills have been discounted at four and four and one-half per cent. National bank-notes have sold at a quarter to three-eighths per cent. discount, and the question of a system of practical redemption of these notes is again under discussion among bankers and others, to whom this discount is an annoying and unwarrantable loss. Under the influ-



ence of the great ease in money, prime railroad bonds continue to advance, Government bonds remain firm, and the speculation in the stock market generally in favor of higher prices, but there is very little business of any kind. The funding drags, and Europe apparently declines to participate in it. But large amounts of railroad bonds and stocks and other securities continue to be sent there, although probably only a small portion of these have been actually sold, the remainder being used as security for money loans. In spite of these loans and sales, the condition of the foreign exchanges does not improve, and the specie shipments continue on a liberal scale. Of the crops, especially cotton, the later accounts have been rather less favorable, and prices have again advanced a trifle. Breadstuffs are also firmer, but the merchandise markets are otherwise but slightly changed. Real estate has been more active. Coal, since resumption has commenced, is steadily declining.

The Döllinger revolt seems to bid fair to be really the most serious ecclesiastical event of the century, the support which the learned doctor is receiving being far greater and bolder than anybody a year ago would have ventured to predict. His brother professors at the university at Munich, which perhaps has no rival or equal as a seat of Catholic theological learning, have given in their adhesion to him to the number of forty-three, and their example is being very extensively followed by the country clergy. The King of Bavaria, too, stands firmly by him, and, finally, the professors of the Roman University at Rome have declared for him. Indeed, there is now hardly a Catholic theologian of real eminence outside the "Latin countries" who does not support him. The University of Marburg has conferred on him the honorary degree of Doctor of Laws. Finally, the German bishops have become sufficiently alarmed to resolve on holding a meeting at Eichstadt, to consider the best means of preventing a schism.

The levelling of the Vendôme Column, on Tuesday, May 16, was the last great achievement of the Paris Commune, which has since been gradually tottering towards its own fall. Minor acts of vandalism and revolutionary terrorism, it is true, were still frequent after that date; churches were demolished or plundered of their treasures; Sisters of Mercy were turned out of their convent; "conspirators" were arrested, and "spies" were shot; a Court of Impeachment was opened to select hostages upon whom to execute bloody retaliation; clubs of women were organized to stop runaway patriots; the leading committees were purged of vacillating members; civil commissioners were placed at the side of the military chiefs, in order to frustrate all attempts at dictatorial usurpation; the last of the moderate journals were suppressed, and refractory editors menaced with death; and many other measures of a similar character threatened or proposed—but all real nerve for action seems to have vanished with the capture by the Versailles forces of Forts Issy and Vanves. Commune, Central Committee, and Committee of Public Safety wrangling with each other; battalions of National Guards refusing to march; Cluseret, Rossel, Delescluze, Brunel, removed from their brilliant spheres of activity; Pyat absorbed in elaborating laws against bachelors and the confessional; Rochefort meditating schemes of escape; suspicion everywhere within the walls; constant lying resorted to as a last means of encouragement—such was the aspect of affairs in the domain of Paschal Grousset's Republic when "the Prussians of Versailles" determined to make the final attack.

The last attempts of the Commune at resuming the offensive outside of the walls were made on the 16th and 17th, by Dombrowski's command, at Neuilly, and ended in failures. Batteries at Montmartre vainly bombarded at the same time the position of the Versailles troops at Château Becon. On the evening of the 17th, a powder-magazine exploded with terrible effect inside of the western *enceinte*, spreading havoc and consternation all around. Further south, fierce cannonading was kept up by the besiegers against the gates of Auteuil and St. Cloud,

and from their new positions at Issy against Point du Jour and Grenelle. On Thursday, the 18th, two insurgent positions near Fort Montrouge were carried at the point of the bayonet, but subsequently abandoned. Some desultory fighting, with varying success, also took place on the two following days. The battering fire was renewed with the utmost vigor on the night of Saturday, the 20th, and continued until immense breaches were effected in the ramparts, which the defenders on Sunday gradually began to abandon, re-entering the city in the greatest disorder. In the afternoon the Government troops finally entered the capital; General Douai marching in from the southwest, by the battered-down St. Cloud Gate, at Point du Jour, and General Cissey from the south, by the Gate of Montrouge; the latter having shortly before occupied the positions at Petit Vanves and Maiaikoff, and Fort Montrouge, without a struggle. On the two extremes of the field alone, in front of Batignolles on the northwest, and between Gentilly and Ivry on the southeast, Generals Dombrowski and Wroblewski endeavored for a time to continue the contest outside of the *enceinte*.

On Monday morning, Dombrowski still made two assaults on the left wing of the Versailles forces, but his ranks were broken, and he himself wounded, and finally a panic seized his men, which was communicated to various detachments in the rear. All fled in wild confusion. The Government troops now advanced from every quarter, General Clinchant from the side of Clichy, Douai and Ladmirault along the Seine, Cissey from the south. There was hardly any resistance. The huge barricades at the Avenue des Champs Elysées and the Place de la Concorde were speedily abandoned; others but feebly replied to the guns of the assailants; the insurgents retreated towards Montmartre, hard pressed by Clinchant and Ladmirault; Cissey and Douai in the meanwhile occupying the southern and central portions of the city. In the evening, General Clinchant occupied Batignolles, and, on Tuesday morning, attacked Montmartre, the main stronghold of the insurrection, from the Avenue de Clichy on the west, and the Boulevard de Clichy on the south; while General Ladmirault attacked it from the southeast, having carried the fortified Northern Railway station by assault. Early in the afternoon, Montmartre was in the hands of the Government troops, and the insurrection was virtually, if not completely suppressed.

The history of the financial doings of the Commune, which are, perhaps, what will now prove of most importance to the unfortunate Parisians, will probably not be thoroughly known for a good while. There were strong fears entertained that they would seize on the "Grand Livre," or record of the public debt, and tamper with it; but of this there has been no news. They levied a contribution of \$200,000 on the six railroad companies having termini in Paris, in the guise of "arrears of taxes," and must have stolen enormous quantities of plate from the churches and the private houses which they ransacked or placed "seals" upon. One of their decrees peremptorily forbade the imposition of fines for derelictions of duty on workmen or other employees in private establishments, "as an insult to the dignity of the laborer, and an outrage on his morality." Somebody appeared in London professing to be their agent, offering the pictures of the Louvre for sale; but it is to be hoped he was an impostor. There is, however, great reason to fear that large amounts of national valuables have been made away with, and the Versailles Assembly felt it necessary to pass an act warning people that the titles to property of churches, corporations, or individuals purchased from the Commune would not be respected. The anxiety on these matters is increased by the fact that the leading members of the Commune made no secret of their contempt for art and learning. Assy boasts of having read only one book—a history of Florence, with the frequent revolutions of which he was enchanted. On the whole, the reign of the Commune must be pronounced the most extraordinary episode of modern times, and strikingly illustrates the truth of the observation that the barbarians whose ravages the modern world has to dread, live not in forests, but in the heart of our large cities.

## HOW PROTECTION AFFECTS LABOR.

OUR explanation of the cause of the coal troubles was, as our readers may remember, that too many capitalists had gone into the business of mining and transporting coal, and each company was naturally unwilling to go out, and very anxious to have the others go out, and leave it to supply the reduced demand, the railroad companies to bring the mining companies to terms, and the mining companies the railroad companies. The companies, however, offer another, through the argument of their counsel, Mr. Gowen, before the Judiciary Committee of the Pennsylvania Senate, which, they say, is the only true one. Says Mr. Gowen:

"It is well known that during the late war the demand for coal was greatly increased. The navy required a large supply; and manufacturers—who are always the great consumers—were prosperous and active; coal-mining became exceedingly profitable; the coal-carrying railroads all made money; the miners and laborers were paid high wages; and it was no uncommon occurrence for a good miner to earn several hundred dollars a month. In consequence of this, a great impetus was given to the coal trade. New collieries were rapidly opened; new coal regions were brought into connection with the markets by new railroads, which were extended into every valley that contained a deposit of coal; and the high wages earned by the miner attracted from other countries a large immigration of skilled workmen, and diverted to the business of mining many who left other trades and occupations to gather the golden harvest which was spread before them. The natural result of this was, that after peace was declared and the war demand had ceased, the productive capacity of the anthracite coal regions was far greater than was required to supply the consumption of coal; and the laboring population had increased so rapidly that employment could not be given to all. The natural remedy for this state of things would have been enforced by the law of demand and supply. The badly constructed and ill-ventilated collieries that could not produce coal at the rate the public was willing to pay for it would have been abandoned, and the better class of collieries that could have supplied the market would have continued at work and given employment to as many men as were necessary to produce the amount of coal required by the wants of the community. The surplus population that could find no employment at mining would have gone back to other occupations, until the increased demand for coal resulting from low prices would have called them again to the coal regions. Thus a year or two of low prices would have supplied the cure for all the evils that were felt at the close of the war. But about this time there came into prominence an organization which is now known as the Workingmen's Benevolent Association. Embracing originally several distinct societies in the different regions, it gradually became a united and compact organization, chartered first by the courts and subsequently by the Legislature; and by the year 1868 it embraced nearly the entire laboring population of the anthracite coal region. The object of this organization was to secure employment for all of its members, and prevent the reduction of wages which every other class of labor had to submit to at the close of the war. Well knowing that if all its members worked a full day during the year, the production of coal would be much greater than the demand, they insisted upon an increased rate of wages and decreased amount of work, which would enable a man to earn in six or seven months as much as had previously been earned in a year—so that the entire population should receive employment without increasing the supply of coal above the demand. As it was also well known to them that such wages could not be paid unless the price of coal was kept up to a high rate, they suspended work whenever the price reached such a sum as made it impossible for their employer to comply with their demands.

"We, who thought we understood something about the laws of trade, and knew that natural causes would soon bring relief, remonstrated with the leaders of this organization in vain. The law of supply and demand, and every sound maxim of trade which experience has demonstrated to be correct, were thrown to the winds; and from the bowels of the earth there came swarming up a new school of political economists, who professed to be able, during the leisure hours of their short working day, to regulate a great industry and restore it to vigor and health. In the wildest flight of the imagination of the most pretentious charlatan there never was conceived such a cure for the ills with which we were afflicted as was suggested by these new doctors. In their hands, however, we were powerless; and with the eagerness of a student, and the assurance of a quack, they seized upon the body of a healthy trade, and have so doctored and physicked it that it is now reduced to the ghost of the shadow of an attenuation."

The miners, nevertheless, obstinately refused to go into any other occupation, and ignorantly and stupidly persisted in endeavoring, through combinations and threats, to force the companies to supply them with employment at rates of wages which it was, in the actual state of the public demand for coal, impossible for the companies to pay. We learn, furthermore, from the same argument, that the agents of the miners were daily to be seen on the floor of the Legislature coercing the senators and representatives into voting against any measures for the relief of the operators, and even into voting for measures intended to punish the railroad companies for their resistance to the miners' demands. In short, the capitalists charged the laborers

with doing what we charged the capitalists with doing, and they proposed, as a remedy for the evils of the present state of things, that the laborers should transfer their labor to some other field of activity, or, in other words, should do with their commodity what we thought the capitalists ought to do with theirs.

We do not propose to review the argument in question in any detail this week. We have been deeply impressed in reading it, however, with the unconscious way with which the operators, who, as Pennsylvanians, are all warm supporters of the protection of native industry by Government, use against the miners the very arguments, and almost the very words, which the free-traders use against them. We have no hesitation in saying, too, that the very best answer the miners could make to these arguments they will find in the defences of the protective policy which have issued from the press during the last twenty years. That answer obviously is, that it is a good thing for the country that large numbers of persons should be engaged in mining industry; that if the market will not stand the supplies of coal which so many hands, if kept actively engaged, would pour into it, the prices must be kept up by artificial means; that legislation must be resorted to to supply these means, if possible, but that, in default of legislation, there must be strikes and intimidation of employers or of competing workmen. If the operators and the public do not like this, so much the worse for them; the business of the miners is to take care of themselves—by their votes first, and, if need be, by their clubs and knives. They are as much entitled to have their labor bought by the public at such rates as will enable them to live, and in such occupations as they think proper to follow, as the capitalists are to have their products bought at such rates as will yield them a fair profit, and in such fields of industry as they think proper to enter. In other words, in neither case is the market rate to be fixed by free competition, but by the creation of monopolies.

We took the liberty of pointing out, some weeks ago (March 2), that the disturbance, which becomes more violent every day, all over the world, in the relations of labor and capital, and the disinclination of the working-classes to look to any mode of bettering their condition, such as co-operation, which requires simply the display of intelligence and self-denial on their own part, is due in the main to the way in which the capitalists have for centuries familiarized the laborers with the spectacle of capital procuring legislation for its own benefit, hostile both to the laborer and the community at large. There is not a country in the world, the United States not excepted, in which capital has not succeeded in procuring legislation for the express purpose of increasing its profits, either by closing the market to certain classes of competitors, or punishing laborers for trying to raise wages in the only way in which they could be raised—by combination. This plan worked very well as long as the capitalist class had possession of the government. But that class has lost possession of the government, or only retains its influence over it by secret corruption, while the laborers are rapidly seizing on it, and are bent on using it, as they have seen the capitalists use it, for the purpose of maintaining an artificial scarcity of labor; or—to express the same idea in another way—of raising wages above the natural market rate, as settled by the proportion borne by the quantity of capital seeking investment to the quantity of labor seeking employment. In the earliest stages of the movement, which is all we have as yet witnessed in America and England, it consists simply in a demand, either express or implied, that the government shall not interfere to protect capital from the operation of such weapons of offence, whether simple combination or combination accompanied by violence, as the laborers may see fit to employ against it. In the more advanced stage, which is now to be witnessed in France, and was openly described by the International Congress of workmen three years ago at Geneva, it consists of the seizure of the government by the laborers, and the use of its authority to establish a new and artificial mode of dividing profits between the laborer and capitalist, in which the capitalist really gets nothing, and is reduced to the rank of a mere laborer. The insurrection in France having been put down, the socialist ideal in aid of which it broke out will doubtless not be realized yet awhile; but no intelligent observer doubts that this ideal is gaining ground among the



working-classes all over the world—that it is taking the place in the working-class mind of most of the motives by which society has hitherto been governed, such as patriotism or religion—and that it has within a few years received a great stimulus from the concentration of laborers in the manufacturing towns and mining districts, and, above all, from the steady and rapid descent of political power into the hands of this class. Thousands of demagogues are busy every day telling the workingmen of the civilized world of the power they now begin to possess over society, and the workingmen are nothing loth to exercise this power at the earliest possible moment. Few but the wilfully blind now fail to understand the exact nature of the danger with which we are threatened; and to those who imagine that America is going to escape the convulsion, we recommend a careful study of the history of the mining industry of Pennsylvania during the last ten years.

The way, and the only way, in which the laboring classes of all countries can be prepared for the active and direct control of the body politic at which they are now aiming, is the steady and persistent preaching and *practice*, by all classes, of the doctrine that, in the choice and pursuit of a calling, there is nothing so good either for the individual or the nation as liberty. The one thing government has a right to do about a man's business is to protect him in the exercise of it, and in some cases to see that he is properly qualified for it. To tempt him into a pursuit by bribes, or sustain him in it by subsidies or monopolies after his own incompetence or the state of the market has shown it to be impossible for him to follow it profitably, is not only economically inexpedient, but, as now begins to be plainly seen, is politically dangerous. In other words, protectionism contains the germ of communism; what may be in the hands of the sober, thoughtful capitalist a means of stimulating a useful industry, becomes in the hands of ignorant and fanatical socialists a justification of an equal division of goods. The only salvation for modern society lies in making governments let people alone in all that relates to the exercise of their faculties. Interference once begun, nobody can tell where it will end.

Mr. Gowen, in his argument, brings out the fact that the leading idea of the French Socialists, that no person should receive larger wages for his labor than another, and that it is an outrage on justice that a lawyer or capitalist should enjoy an income of thousands of dollars a year, while a laborer only receives a few hundreds, has found a lodgment in the mining districts of Pennsylvania also, and we fear it is not confined to Pennsylvania. The function of the capitalist in our day is one of enormous importance to the community, and, considering the losses which capitalists save to the community, and the profits they enable it to make, they are really, so far as money goes, greatly underpaid. The salary of any great director of industry consists solely of that portion of the profits which he spends in personal enjoyment. Whatever portion of his income is reinvested is devoted wholly to the employment of labor—or, in other words, is used for the benefit of the community at large, and especially for the benefit of the laborer; so that, when labor reform demagogues hold up the erroneous revenues of "Stewart and Astor" as subjects for popular indignation and as signs of rottenness in the State, they simply show that they do not understand what they are talking about. Whatever these gentlemen spend in food, clothing, and personal luxuries is the real amount of their income; the total of their receipts is only the apparent amount. The way in which our capitalists are overpaid, is in the power they acquire over legislation; and the problem we have to solve is to leave them in the free management of their revenues, without letting them control the government. The task they perform for us is the most important of all economical tasks, that of discovering the places and things in which the products of past labor may be invested without loss or with profit. The talent required for this duty is one of the rarest of gifts, as everybody knows who has ever had money of his own to invest, and who sees the tremendous mistakes which people, unprovided with the necessary experience and sagacity, make in trying to invest. The prosperity of a nation, it may be fairly said, in the long run, depends largely on the number of men it produces who are able to say what

enterprises will "pay" and what will not, and the services of such men a nation can hardly reward too highly in money. The nation which produces plenty of them, and can keep them honest and public-spirited, is twice blest. There could hardly be a better proof of the ignorance and folly of socialism than the hatred and distrust of them which it entertains, and the great determination it always shows to get rid of them if it gets a chance. In the Socialist and Labor Reform Utopia, the delicate task of pointing out the ways in which the national wealth may be most safely invested, and the objects on which the national labor may be profitably expended, is usually assigned to a committee of Blatherskites, selected with rigid disregard of their mode of managing their own funds when they had any, and usually with more regard for their rhetorical powers than for anything else.

#### WHY WE DO NOT BELIEVE IN PROHIBITION.

A CORRESPONDENT asks us, on another page, for a confession of faith as to the possibility, or, if possible, the expediency of preventing the sale of alcoholic drinks, being prompted to do so by having perceived what he considers indications of hopelessness about it on our part, and by the increasing zeal of the prohibitionists in his own neighborhood. We supposed that our opinions on this point were pretty well known to such of our readers as cared anything about them, and were much interested in the question. We have not only, however, no objection to saying out fully all we have to say on the subject, but are glad to be furnished with an excuse for saying it.

We are opposed to prohibitory legislation, and consider all time spent in agitating for it almost wasted, first and foremost, because we believe no such legislation can be effective. In a certain sense, of course, this may be said of all legislation. No law is ever completely enforced; but a law prohibiting the sale of alcoholic liquors would, we believe, be disobeyed and evaded to an extraordinary degree, and by a large number of persons of good character who usually do obey the law faithfully; and, as a consequence of this, the proportion borne by the violations of it to the penalties inflicted for violating it would be so large as to weary the officers rapidly, and consign it to total desuetude. All laws in every country require a fair amount of support from public opinion to ensure their execution. This is true even of laws which affect matters in which only a small portion of the community has any personal interest. It is doubly true of a law like this, which would be highly inquisitorial in its operation, and involve incessant interference with the habits and inclinations of persons of ordinarily good repute. Suppose seven against five to represent the majority whose support is necessary to ensure the enforcement of a piece of ordinary legislation, and it is safe to say that a prohibitory liquor law would need the support of a majority of eleven to one. If you could count on such a majority, however, liquor-selling would be so thoroughly disreputable that either no legislation would be necessary for its suppression or there would be no opposition to it, and, therefore, none of the incessant discussion of its expediency which now goes on. The traffic would be given up to justice as readily as brothels and gambling-houses are, and the only debates to which it would give rise would be debates about the discipline and efficiency of the police.

If you ask the reason of the great difficulty which its advocates experience in procuring this legislation, the answer is, strange as it may seem, that the mass of mankind, including some of the best and purest of the race, do not believe the drinking of alcoholic liquor to be wrong; in fact, a vast body of them, in all countries, truly and sincerely believe it to be beneficial. The great majority have from the earliest ages been, in fact, moderate drinkers. No race or nation has yet been lighted on of which the great body of the males do not take stimulants in some form or other, not only without shame or fear, but with great gusto; indeed, the taking of stimulants is associated in their minds with the happiest moments of their lives, with births, with weddings, with the meeting of friends, and so on. The "drinking customs of society," to use the teetotaler's phrase, are, in short, apparently as old as the race itself, and may be almost said to have worked themselves into the very constitution of human society. We do not

say that this is a thing to be rejoiced over, or a thing not to be deplored. We simply say that an attempt to eradicate such a habit suddenly by legislation would, in *any* country, be hopeless enough to make it seem ludicrous. No habit so deeply rooted has ever been eradicated except by the influence of an accepted and revered prophet. Mahomet is the only prohibitory legislator who has ever succeeded, but he succeeded not as a prohibitionist, but as the founder of a new religion among a barbarous people. We could imagine liquor-dealing and liquor-drinking being swept away, here, by an outburst of religious or moral enthusiasm, in the nature of "a revival," if it were not that no communities are ever swept by storms of this kind which are not homogeneous. The American community is now anything but homogeneous. It is scored in every direction by differences of origin, religion, temperament, antecedents, and habits, and though you might light your fire very successfully among native Americans, and especially New Englanders, and make it blaze fiercely here and there, it would speedily be arrested by German and Irish patches, on which the flames of great "moral ideas" would find nothing to feed them. Moreover, there is little or no doubt that, for other reasons than this, "great uprisings" on moral or social questions will never again be seen. The intense publicity and intense activity of modern life, and the incessant criticism which results from publicity, have made them impossible, except where there is within reach some such sudden and energetic mode of expressing feeling as taking up arms. The work of reform, like the work of charity, is done more and more every day in cold blood, with books of statistics on the table. There are, however, features in American society and manners which make prohibitory legislation here seem more objectionable than in any other country within our knowledge. The manners and traditions of the people make all police interference with their habits peculiarly odious and offensive. They are not broken into it as Europeans are, and, though the custom of drinking in bar-rooms, which prevails here to an extent unknown in Europe, makes it apparently very easy to put a stop to liquor-dealing by merely closing the bar-rooms, we must remember that bar-rooms exist because they are convenient and lawful; close them, and the habit of secret drinking in houses will at once spring up, and has sprung up wherever they have been closed, as in Maine and Massachusetts; or, in other words, our drinking customs will be, to some extent, assimilated to those of the Old World, and our police would then find itself face to face with a more serious problem than any with which a European police has to deal.

But here, again, we come upon the greatest difficulty of all. We have no police, or anything worthy of the name of a police, and worse still, or better still, if you will, we have not the means of making one. A good police, by which we mean a force of vigilant, exact, methodical, shrewd, cunning, unscrupulous, and disciplined men, is hardly possible in the United States at present. Partly owing to the condition of the public mind with regard to the service of the state—or, to use the term most in vogue, the civil service—no man can be got to give himself up to this service with the thoroughness and self-abnegation of a European. All the habits and antecedents and social surroundings of an American unfit him for it, and he is not supported by public opinion in attempting it. There is a very good side to this American peculiarity, but it is fatal to the suppression of the liquor traffic. A force fit to put it down in any State of this Union would have to contain an amount of probity, self-sacrifice, devotion, and discipline which those who undertake the business of hunting up rum in other people's drawers have not as yet displayed on this continent, and are not likely to display. We do not need to enumerate here the objections to a law which cannot be enforced, especially in a community whose order and happiness are dependent so largely on the popular respect for law, and, above all, on the popular loyalty and *honesty* in obeying the law, as this is. This opens up a very wide field, which, however, anybody can explore for himself.

We are far from believing, however, that nothing can be done by law for the diminution of drunkenness. The liquor traffic cannot be abolished, and, in saying this, we do not take into account the spasmodic cases in which a town here and a county there has spilt a great deal of

liquor, and stopped drinking for two or three weeks. But the traffic can be regulated, we believe, even with the machinery at our disposal, so as greatly to lessen the temptation to drink, and thus lessen the amount of crime caused by drinking, which, after all allowance has been made for the exaggerations and misrepresentations to which temperance advocates are, for some inscrutable reason, very prone, is undoubtedly large. In fact, all that the advocates of prohibition claim for their experiment, wherever it has been made, is that it does regulate and diminish drinking, not that it stops it; but this is dearly purchased by the creation of a habit of contempt for the law which illicit drinking surely creates. The great difficulty in the way of this regulation is everywhere in the Union to be found in the habits and character of the political class, which are too low to make effective dealing with so corrupting a question possible. Political reform, including reform of the civil service, lies at the back of temperance reform, and we believe we shall never see the liquor question reached in a rational and scientific manner except through a purification of the official class, both State and Federal.

What, then, "Truth-seeker" may ask, do we look forward to as the final solution of the temperance problem? Do we really think that the world is fated to remain as drunken as it is now? Nothing of the kind. We believe the time will come when drunkards will be as rare as thieves or swindlers, and as disreputable, not because the decent people of the world will be all teetotalers, but because those who drink at all will be "moderate drinkers." We think the notion that men will ever give up wine and beer as a great moral duty, is as wild a dream as has ever entered the brains of an agitator. We know that intemperance has greatly diminished under the influence of education and other moral and social agencies; we believe it will continue so to diminish, under the same influence, until drunkenness is as rare as is every other form of indulgence; and to strengthen the moral and social agencies which do notoriously diminish drunkenness, is the temperance man's first duty. Everybody who asks himself why the custom of getting drunk after dinner has disappeared from among the upper classes in Europe; why ministers do not go and guzzle in their idle hours at taverns, as many workingmen do; why a German artisan can confine himself to drinking beer through an evening at a public garden with his wife, instead of getting madly drunk on whiskey, as the Irishman does, will, if he tries to answer his own questions, get a great deal of light on the subject.

All that has been done for temperance in the world as yet, has been done by persuading men not to drink, or giving them better things than drinking to do; nobody really believes legislation could ever have done as much. When you get into a man's head and heart, you hold his will, which the policeman can never do, and it is through this will that drunkenness is to be conquered. The present movement in favor of prohibition we look on as one of those outbursts of impatience with objectionable practices in which the good people of the world have indulged every now and then ever since governments were set up. Nothing is harder than to refuse to use the powers of government to stop people's doing what you don't like, when you think those powers are within your reach. This is a feeling which has been at the bottom of all that legislation in aid of morals and religion from which the world has suffered so greatly, so much of which is now recognized as barbarous and inhuman, and so much of which we laugh over as silly. It has taken fifteen hundred years of experiment to satisfy us that men cannot be made pious by law; it is not wonderful, therefore, that in many places the faith should prevail that by law they will eventually be made sober.

There is nothing, however, in the lessons of history, or in what we see of the tendencies of society in our day, to warrant this conclusion. There have been three great attempts made in Christendom to police men into personal purity—Calvin's, at Geneva; that of the Puritans in England and America; and that of the Papacy at Rome. They have all failed, and failed hopelessly, and there is no chance of their ever being repeated. Moreover, the tendency of the day is against all coercion in aid of personal morality, or for the suppression of what Bentham calls the self-regarding vices. This is remarkably shown in the total change of views which has taken place with regard to the



education of children, from which the infliction of physical penalties may now be said to have almost disappeared. In other words, self-restraint has begun to play a part in practical education which, much as has been preached about it, it was in old times never called on to play.

Lastly, there is nothing in history or human nature to warrant the conclusion that it will ever be possible to incorporate in popular morals a prohibition of acts in themselves harmless, based simply on the fact that excess in the commission of them is hurtful, and that some persons are guilty of this excess.

There is no precedent or parallel for anything of the kind in civilized legislation. I may be, and often am, forbidden to do things which, though harmless in my case, would work mischief if *all* did them; but I am not prohibited from doing things which, if *all* did them, would still be perfectly harmless, lest some persons should do them in hurtful excess; and I am not likely to be. Whether, under the rules of Christian morality, I am my brother's keeper to the extent of being bound to refrain from acts of which his imitation may prove injurious to him, and, in other words, *not only to set him a good example, but to practise asceticism on his account*, and for his good, is doubtless a weighty question, but it is one which must be left to the individual conscience. No such theory of responsibility could be introduced into jurisprudence, without either making its application so sweeping as to be utterly intolerable, or surrounding it with so many modifications, and allowances, and restrictions as to make it farcical. Should a man, for instance, be prohibited from setting up a carriage, or living in a fine house, because the desire of luxury brings so many traders and cashiers to frauds and defalcations? Should the police see that a pretty woman wears sad raiment and goes veiled lest the plain ones should be made envious or driven into vice? Should a man who is industrious take no vacation, lest his example should demoralize the indolent and idle? The subject, in short, has hardly as yet been discussed at all, owing to the extraordinary heat with which nearly all those who are seriously interested in it approach it.

#### PROPOSED CHANGE IN THE CORPORATION OF YALE COLLEGE.

YALE COLLEGE, NEW HAVEN, May 20.

THE interest in the Corporation of Yale College which has arisen from the probable retirement of President Woolsey from the leadership of that body at the next Commencement has been quickened during the past week by two noteworthy publications—the annual message of the Governor of Connecticut, and a contribution of President Woolsey to the columns of the *Boston Congregationalist*. Both these papers refer to the office of Trustee.

President Woolsey deals with the subject abstractly, showing what relations should subsist in any higher institution of learning between the Governing Board or Corporation on the one hand, and the Teaching Board or Faculty on the other. Governor Jewell takes up the subject concretely, and proposes a change in the Corporation of Yale College by which the graduates may be allowed to participate in the management of the institution. His words are as follows:

"The connection of the commonwealth and Yale College is of increasing importance. The whole State will share in its prosperity or suffer by its failure to maintain the high rank which it holds among the great universities of the world. The Corporation now consists of eleven gentlemen, who fill vacancies in their own number, and the governor, lieutenant-governor, and six senators of the State. While the interest and representation of the State in this venerable college is very large, its official connection with it is, in fact, almost nominal, as it is rarely the case that any of the six senators attend meetings of the Corporation. The great body of the graduates, who have a deep interest in the college, and, being scattered throughout every State, can wield the strongest influence for its welfare, have no direct voice in its management. I therefore suggest whether it would not be well for the State, the college, and the alumni at large to surrender to the latter one-half of the State representation in its Board of Corporation—the new members to be elected by the alumni to serve for four years; one to go out each year. I do not know how this can be done, if at all, nor am I aware whether it would be agreeable to any of the parties concerned, but if it can be accomplished, I think the effect would be good."

We propose to make these official utterances, one of them emanating from the chief clerical member of the Corporation of Yale College, and the other from the chief civilian in that body, the occasion of some remarks on the possibility of effecting a change in the government of the institution.

An early decision of the question is inevitable. If the opportunity now presented is lost, many years may elapse before it again occurs. Probably before the summer has passed, a favorable or an unfavorable conclusion will be reached. It is not the graduates of Yale College alone, but all its benefactors and patrons, and all who regard it as one of the most important educational foundations of the country, who are concerned in a wise and speedy solution of the problem.

The principles which should guide a conclusion may be stated, as it seems to us, under the following heads:

1. The government of a college or university should chiefly rest in the hands of permanent resident professors. They are the men whose lives, labors, and reputations are bound up with the institution. Being devoted exclusively to instruction and study, they are best acquainted with the relative importance and influence of different branches of learning, with the difficulties of college government, and with the requirements, deficiencies, and capacities of young scholars. The recognition of this principle has given dignity, permanence, and success to the universities of Germany and England. Heretofore, likewise, it has been a distinctive characteristic of Yale College that it has been governed by the resident officers. They have secured the endowments, determined the courses of study, established the interior regulations, and nominated most, if not all, of the professors. It is believed that their wishes have not been disregarded by the Corporation in any important particular, when once fairly expressed. It is this which has made Yale College, in spite of its poverty, so great a success. The offers of lucrative and honorable positions in other colleges have rarely, if ever, been potent enough to take away a professor from New Haven. The faculty have been willing to stay, plan, teach, and study, with manifold duties, incessant engagements, and the most meagre pecuniary return, simply because they encountered few obstacles. Whatever else it may have been, Yale College has been to the professors a place of personal and official freedom. Now, any modification of the Board of Trustees which should substitute outside interference for inside conclusions, would unquestionably be harmful in its tendency. Whether that interference should come from church or state, from benefactors or graduates, from friends or rivals, it would be dangerous. No advocate of sound learning should expect to benefit Yale College by substituting the indeterminate and illogical government of an outside authority for the definite, harmonious, and consistent administration of the inside workers.

2. It is, however, obvious that there must be a Board of Trustees apart from and superior to the teaching body. These Trustees should hold, solicit, invest, and expend the funds; they should be a support to the professors; and, at the same time, a protection to the public. Slow to originate any measure, they should be quick to help on whatever is clearly for the advancement of learning. Especially should they be wise counsellors in respect to the investment of gifts, the sale and purchase of real estate, the maintenance of the college credit, the protection of college property. But they should be very slow to impose on the professors fetters in the shape of formal laws or petty injunctions; they should regard the wishes of the faculties in the election of new professors and officers, unless there is the clearest reason for the contrary action. At the same time, in case the resident professors forfeit the confidence of the public, do wrong, or prove to be incompetent, the Trustees should be ready to interpose their final authority. The views which President Woolsey has expressed, after being for twenty-five years the presiding officer among the Trustees of Yale College, are an important exhibition of how much and how little the Corporation may attempt. It may be questioned, however, with all due respect to him, whether he has sufficiently stated what a service the Board of Trustees might render by communicating more freely with the public in respect to the progress of the college, its requirements, embarrassments, and encouragements. In all the efforts which have been made to secure new endowments for the different departments of Yale College, the efforts of the Corporation have, to say the least, not been conspicuous; nor can those who are most familiar with college publications recall any recent statement in respect to the college emanating from the Trustees more comprehensive and satisfactory than the annual catalogue. Even the Treasurer's statement, which is annually printed, and which might be a serviceable guide to those who are interested in the college finances, is not so widely circulated as to be readily referred to. But a corporation which should be the organ of communication between the professors on the one hand, and the friends and graduates on the other, might be of equal service to both. Certainly Yale College now suffers

more from the ignorance of the public respecting what it is and what it may be, than it does from rivalry or indifference. An open, confiding, frequent, and official statement of its condition, in terms of enthusiasm and hope, could not fail to awaken the generous responses of the friends of learning. Here, it seems to us, there is a legitimate field for the Corporation to act, and which no other body can suitably occupy.

3. The constitution of the Trustees of Yale College is theoretically absurd, although, for the reasons already stated, it has hitherto in many respects worked well. Like the British Constitution, it is an historic growth, more easily explained than defended, and requiring, from time to time, with the advancement of society, important modifications. Eleven Congregational ministers, resident in Connecticut, selected for life, and eight of the State officers of Connecticut, elected for a year, are the sole managers and trustees in law for all the group of institutions which now constitute Yale College. They hold all funds, appoint all officers, decide all ultimate questions, and do not even admit to their deliberations the professors and graduates of the college, or publish to the world any account of their most responsible trust, excepting a brief financial statement annually presented in manuscript to the Legislature of Connecticut, and placed on file in the archives of the State. It is true that the Corporation has been careful, honest, and wise, and that no official or personal reproaches are ever uttered against the members of the body individually or collectively. They are regarded with gratitude by many, with respect by all.

As a register of the wishes of the faculty, it was possibly all that could be desired so long as the faculty consisted of "Dr. Dwight and his three professors;" but, now that those three professors have become fifty, and the little collegiate school has become the nucleus of a university, it is clear that the trusteeship is far from being as well organized as it might be. It is now not merely "non-interfering," it is "non-co-operative." If it does not harm, neither does it help. Sometimes, from the very magnitude of its responsibilities, it fails to speak and act when its voice and energy would be powerful for good.

Moreover, it must be admitted that the Corporation has lost the moral support of large numbers of the graduates, who are clamorous for a change. These graduates are not the younger graduates only. Some of the best men in the land are among the number. Nor should it be forgotten that it was the President of the college himself, ripe in experience, conservative by nature and by habit, and devoted to the promotion of the college, who first proposed the reconstruction of the Corporation. This he did several years ago in his famous *New Englander* article. His views, which were met at first with distrust, dissent, and opposition, have at last been very generally accepted by the friends and graduates of the institution, and his administration seems likely to close with the achievement of this crowning glory.

Any one can see that some change must soon take place, or the present Corporation will fail to receive the support of the graduates; so far, at least, as this—that future gifts will be made under such restrictions and limitations as to leave the trustees but the slightest amount of discretion in respect to their management.

4. There are several ways in which a change can be effected.

For example, the eleven clerical members, now all of them Congregational ministers, resident in Connecticut, can, as vacancies arise, elect other persons than Congregational ministers to the empty fellowships. Whether or not they can admit laymen may be questioned, but there is no shadow of doubt that, if they choose to substitute other ministers of the Gospel for those of the Congregational body, they can do so. We are not claiming that they should be urged to take this step, but simply point out one of the possible changes, though, in our view, the least probable.

Or, secondly, the State of Connecticut can give up the right to be represented, as now, by eight civilians. It would be undesirable that the State should entirely yield its right of counsel and control, and all parties would doubtless prefer that the Governor and Lieutenant-Governor should henceforward, as now, hold their seats in the board. But for the six senators annually elected by the people and annually retired from their magisterial office, a substitution of the graduates, as recommended by Governor Jewell, would be quite feasible. Doubtless, the senators themselves, conscious of the awkward position in which they are placed by being nominally, for one meeting, members of a corporation so dignified and important as Yale College, would prefer, if they were consulted, to be released from their embarrassing responsibility.

Or, thirdly, without any nominal change in the present board of trustees, either by the clerical or the legislative action, there is another way in

which a real change may be effected in the management of Yale College. Future givers of funds can bestow them on special boards of trustees, to maintain this or that department of learning. For example, if a classical scholar desires to provide for the perpetuity of philological instruction, by giving a farm like Bishop Berkeley, or a library and a professorship like Professor Salisbury, he can bestow his gift upon a special body of trustees, requiring them to make a connection more or less close, as may be mutually agreed upon, with the president and fellows of Yale College. While this method would be objectionable for gifts of small amounts for any purpose, and would be more than questionable for large gifts intended for the old or academic department of the College, it might be advantageous for new or unendowed branches of the university. It is working well for the Peabody Museum; it is supposed to have been adopted for the astronomical observatory; it would unquestionably be well for the Law School or Medical School. Indeed, respecting the last two institutions, it is not easy to see how they can be maintained without the formation of a board of trustees, jurists on the one hand, and physicians on the other, to advocate and uphold these special interests. Another way of accomplishing a similar end, without any nominal change in the Corporation, is by an act of the Corporation itself, inviting certain fit persons to attend and deliberate in the meetings of that body. There would be legal objections to conferring upon such persons a power to vote, but none which would prevent the president and fellows from seeking the advice as counsellors, or *advisors*, of for example one or more of the professors, or some prominent graduates, a good lawyer, or a man of financial experience, like the college treasurer, and so on. If the alumni of the college could even in this way have a voice in the deliberations of the Corporation, it would, doubtless, promote the efficiency of the college.

5. The only one of these considerations which requires an early decision is in respect to the message of Governor Jewell. So far as it now appears, his suggestion has been received with great favor, both in the college and out of it. It is certainly an unusual conjunction of circumstances, that the president of the Corporation should suggest, and that a governor of Connecticut should formally recommend, a measure to which "Young Yale" can offer no objections, and for which "Old Yale" should be supremely grateful. The only remaining point now to be considered, is what details should be included in the modification thus proposed. As a basis for discussion, the following suggestions are made:

Yale College should be regarded as a society of scholars. To be admitted to the society, the candidate must receive a degree, either at the conclusion of a course of study, or in recognition of his merits by the bestowal of an honorary title. All such persons as have thus been graduated by the president and fellows of Yale College should be electors of the graduate fellows, and should be eligible to fellowships, with this proviso, that bachelors should be of five years' standing before beginning to exercise the privilege. The term for which a fellowship may be held should be of considerable duration—say a period of six years, and the details of arrangements in respect to the methods of nomination and election should be left to the president and fellows, who may be trusted to act in good faith.

D. C. GILMAN.

## ENGLAND.

LONDON, May 12, 1871.

I WONDER how many of your readers who have paid a visit to London have ever included Epping Forest in the list of sights to be inspected. The number will be small, indeed, if the proportion of foreign visitors who extend their travels so far is no greater than that of native Londoners who make the excursion from the West End. It has, however, great beauties, though of a kind very ill adapted for American tastes. In short, it is the one bit of wild unenclosed forest-land which can be reached with in a day's journey from the metropolis. There is a hill covered with really grand old trees and tangled underwood—a fragment of English scenery of the old type, which would form a suitable background to legends of Rufus or Robin Hood. It is within a few miles of the miserable back lanes of the East End, to which flows all the most hopeless poverty of London. On Sundays and holidays the population of that district pours out by thousands to enjoy a breath of fresh air and to refresh itself—not, it is to be feared, exclusively by the sight of real trees, and grass, and sky. Indeed, it is a curious fact that the weavers of Spitalfields maintain some flourishing entomological societies which have their collecting ground in Epping Forest. Some of them, it is said, have really acquired a remarkable knowledge of the subject, and have their houses filled from top to bottom with the insects collected by themselves. Something like



3,500 acres are still unenclosed, and the value of such a playground to the crowded population of a district generally pervaded by the quintessence of London fog and coal-smoke may be easily imagined. Hitherto the forest has been kept open because the crown possessed certain rights, originally enforced for the sake of the game, which has long been extinct. The deer having vanished, it occurred to the Government of some twenty years back that the forest was useless, and they accordingly proceeded to sell the rights to neighboring landowners. The forest was partly enclosed, and suburban residences began to cover the previously wild tract. The House of Commons, however, was very properly indignant at this mode of throwing away for a trifle a natural park, which, once destroyed, could never be replaced, and passed a vote that no rights should be sold in future. Hereupon the Government judiciously discovered that, though they were no longer to sell their rights, it would not pay to enforce them. An action at law would cost a good deal, whereas the pecuniary value of the crown rights was next to nothing. Accordingly, the landowners enclosed without paying, and the forest was in greater danger than ever. This objectionable policy was simply the result of the red-tape traditions of a Government department, which did not consider itself entitled to regard anything more than the immediate question of pounds, shillings, and pence; and, on an agitation being raised to preserve the remnant of the forest, Mr. Gladstone promised that a more liberal system should be adopted in future.

This preface is perhaps necessary to explain what took place just after my last letter to you. Mr. Cowper Temple had introduced a motion calling upon the Government to give effect to their good intentions. A measure which they had introduced last session had been abandoned as unsatisfactory, and they were asked to take more effectual measures for securing the public enjoyment of the forest. Now, Mr. Lowe had just produced great excitement in the East End by his proposed tax on matches. Here was an opportunity, it might be supposed, for gaining a little popularity: the sincere desire to preserve the forest for popular recreation would have been some set-off against the indifference to popular interests supposed to be manifested in the match tax. What, moreover, could be a worthier object for a Government whose greatest claim to favor is its presumed regard for the interests of the lower classes? Nobody, one might have thought, would be more anxious than Mr. Gladstone to show the warmth of his sympathy with the poor East Enders, and there could hardly be a time at which it was more important to show that his sympathy was sincere. And yet, for some reason or other, Mr. Gladstone and Mr. Lowe opposed the motion with even unusual eagerness. They raised all kinds of difficulties, and did their best to argue that the proposed action would produce no possible effect. The result was that the strongest Government of this generation was ignominiously defeated to the general satisfaction by a majority of 101, and defeated in an attempt to obstruct a popular measure, approved by men of all parties. It is scarcely possible to imagine a more infelicitous proceeding altogether, and it has led to the most decided rebuff that Government has hitherto received.

I have dwelt upon this incident because it supplies some answer to a question over which the *Spectator* has puzzled its brains not a little. Why, it asks, has Mr. Gladstone's Government become unpopular? What popularity, it might be asked in turn, could stand such extraordinary freaks as these? Mr. Gladstone came in as the representative of the Liberal party, but he has not the instinct of a Liberal leader. His mind, it may be, is too much given to intricate experiments, or he has not the necessary strength of will to govern his own colleagues, or he has tried to be clever in reconciling different parties; but, whatever the cause, he is incapable of taking up a decided policy and sticking to it. He has alienated the Radicals and excited the contempt of the Conservatives; and if an election were to be held to-morrow, the cry of Gladstone for ever, which rallied the majority on the last occasion, would be changed for a studied avoidance of Mr. Gladstone's name. It is a real misfortune that so great a power has been frittered away, and that the majority, which was at first so compact and imposing, has become an aggregate of discordant atoms, which (it is hardly too much to say) agrees in nothing but distrust of its official leader. The budget, as you know, has utterly broken down. The present proposal of an additional twopence in the income-tax was little more popular than Mr. Lowe's previous proposals. The Government succeeded in carrying it by a strict party vote, to obtain which they had to strain their influence to the uttermost. They managed to carry their supporters with them, for a reason which was very candidly explained by one of the members thus coerced. He quoted the well-

known saying of Charles II. to his brother: "Nobody, James, will kill me to get you put in my place;" and, on the same principle, Liberals would not turn out Mr. Gladstone to give a chance to Mr. Disraeli. But, though this very cogent motive preserved a majority for ministers, those who voted for them generally relieve their minds by private denunciations. Party discipline triumphed, but it was at the expense of party zeal; and if anybody wishes to hear Mr. Gladstone heartily abused, he cannot do better than talk to many of the members whose votes keep Mr. Gladstone in office. The Liberal party now resembles an army which fights because it feels that its own safety depends upon victory, but which has lost all enthusiasm, and dislikes its own generals fully as much as the leaders of the hostile army.

What the effect of this state of things will be upon the future of the session remains to be proved. Probably it will result in a great obstruction to business. Government will still be able to command a majority on critical occasions, but reluctant followers cannot be driven fast, and the opposition will be able to make a longer and more doubtful fight. Mr. Gladstone has already been obliged to commence the process known as the Massacre of the Innocents at an unusually early period. Two complicated measures, one of them for imposing additional restrictions on the sale of spirits, the other for effecting certain reforms in local administration, have been thrown overboard, with few lamentations over their fate. The Army Bill still drags its slow length along. At the present moment, it is trying to get into committee, and though volumes of talk have been expended upon it, there are still many volumes to come. In some form or other, it will probably get through Parliament, in a mutilated condition. The purchase system will be abolished, but no other very sensible change will be produced. It seems likely, too, that the Ballot Bill will be passed, and the bill for abolishing tests at the universities has a fair chance of success, though Lord Salisbury succeeded in engrafting certain amendments upon it by a very small majority. There can be no doubt that they will be thrown out in the House of Commons, and the Lords will scarcely have the courage to maintain them; but it does not seem probable that any other measure of importance will be carried during the session, and I fear that the net result will be a considerable disappointment to enthusiastic Liberals. Of that, however, it will be time to speak hereafter.

Meanwhile, I would remark that the advocates of women's rights have had their usual field-day. The bill for granting them the franchise was thrown out by 220 to 151, whereas last year it was carried by a small majority through the same stage. I still, however, hold that their cause is rather improving than otherwise. Mr. Gladstone made a speech chiefly in favor of the measure, although he voted against it. He showed that kind of vacillation which may be held to precede a conversion. Unfavorable critics will explain his partial change of opinion by the fact that some of the Conservative leaders, including Mr. Disraeli, Mr. Ward Hunt (late Chancellor of the Exchequer), and Lord J. Manners, have taken up the ladies' cause. It may be supposed that Mr. Gladstone does not wish to see his cards trumped, and his opponents making such a bid for the votes of his supporters. I would rather believe that Mr. Gladstone is yielding in his usual fashion to a current of opinion with which he does not quite sympathize, and that very little more would be wanted to induce him to fall into line. If so, the bill would probably be carried through the House of Commons, if he were still leader. The only symptom on the other side is that the expression of dislike to the change has become rather more open than before; and that, as the question passes from theory to practice, there is a probability of a more serious opposition. Certainly, however, the ladies may cherish hopes which would have sounded chimerical enough two or three years ago, and may congratulate themselves as having passed the stage at which simple ridicule is considered to be argument. Whatever may be the blessings of enjoying a vote—and I need not argue the point at this moment—there is a fair chance that they will be granted to Englishwomen within the next few years. If so, we shall be trying an experiment of a very novel kind; and the only thing that need be said just now, is that the complacency or indifference with which a change so great and till recently so startling is contemplated, is a curious illustration of the rapidity with which some revolutionary ideas have been recently making their way in English society. There is, it would sometimes seem, scarcely any institution strong enough to resist a lively agitation, and the chief difficulty is that our legislative machinery works so slowly and stiffly that a long time passes before changes which everybody knows to be inevitable get themselves carried out in practice.

## Correspondence.

## THE FISHERIES IN THE TREATIES.

TO THE EDITOR OF THE NATION:

SIR: Will you give to a constant reader of your excellent journal the privilege of saying a word or two in regard to the state of our treaty arrangements with Great Britain touching the fisheries?

1. In the reciprocity treaty of June 5, 1854, "it is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above convention of October 20, 1818," etc., this treaty could be terminated after ten years. Of course, on its expiration, that treaty or convention remained in force to which it was an addition.

2. The convention of Oct. 20, 1818, contains the following words: "And the United States hereby renounce, for ever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic dominions in America, not included within the above-mentioned limits"—to which it is directly added that American fishermen may enter such bays or harbors for the purposes of shelter, wood, or water, but "for no other purposes whatsoever."

Does it not follow from this perpetual renunciation that the treaty of 1783, even if there had been no war to dissolve it, was to be of no avail as far as the fisheries were concerned?

Mr. J. Q. Adams, at the time of the treaty of Ghent, made an argument—which is given in its leading points by Dr. Wheaton in his "Elements"—to show that the right, or liberty rather, as the treaty of 1783 has it, of fishing along certain coasts belonging to Great Britain, was not dissolved by the war of 1812. We must profess our conviction that his argument will not stand in international law. But this is really a question of no practical importance. The renunciation of 1818, above-mentioned, put an extinguisher on such claims for ever.

The result of all this is, that on the expiration of the reciprocity treaty, the treaty of 1818, to which it was only an addition, remained in force, and no other treaty on this matter had any validity. And the point we wish to make is this: that the recent admirable treaty is a great enlargement of liberties of fishing beyond anything we had a right to before.

NEW HAVEN, May 15.

W.

## PROHIBITIONIST LEGISLATION.

TO THE EDITOR OF THE NATION:

SIR: In the notice which appeared in the *Nation*, No. 305, of Dr. Dio Lewis's "Our Girls," while speaking hopefully of "cure" for the evils which that book attacks, and while, apparently, concluding that the physical and mental renovation of *young women* is immediately practicable, and a matter the consideration of and action in which demand "our clearest thought and best strength," your reviewer says: "We all know in our hearts that human nature must undergo a radical change before the temperance reform will amount to more than a superficial agitation; we confess with weary impatience that certain sins we shall rid ourselves of only by a slow process of growth." Among which sins your reviewer evidently places the use of "bad language and bad whiskey" by *Our Boys*.

I make this citation without any intention of criticising your critic—although I confess he appears to me to have taken herein a sufficiently assailable position—but because it contains the most recent expression of the *Nation's* very hopeless attitude in relation to the "temperance question," and because I am anxious to obtain more light upon, and a fuller presentation of, your view of what I may term the Politico-Temperance Movement. You are perhaps aware that a movement has been recently inaugurated in this State—backed by the authority and sustained by the entire clerical force of the M. E. Church, and at least sanctioned by the governing powers of one or more of the other churches—the avowed object of which is the procurement of prohibitory liquor laws for the State, and, if I mistake not, for the United States. Now, I dare say I speak the mind of hundreds of your readers when I say that the *Nation* has been to me for several years as "the shadow of a great rock in a weary land" of political literature; tempering the fierce blaze of the "abstract truth" of the radical reformers, and affording shelter from the dust and muddy rain of the "party" fire-companies. It is a very comfortable thing for one who is "yoked to a daily experience in life incompatible with any considerable"—independent study if not—"elevation of thought," to rest in such a shadow, but when the reformers surround one

and begin to adjust their grand solar reflectors at short range, is it surprising if one grows a little anxious and looks up enquiringly for reassurance that it is indeed a rock that overshadows him, and that it will not melt or topple over? In short, is it too much to ask of you that you make one connected statement (as full as circumstances permit) of the argument against prohibition by law of the liquor traffic, disposing of the charge made by prohibitionists that this "traffic" is the chief source of intemperance in alcoholic drink, and the "direct cause of a vast proportion of all the crimes and evils against which we do legislate;" giving also the "Lessons of History" upon the subject, or such references as will enable a tolerably preoccupied man to discover them. By so doing, you will materially increase the national debt—to you-ward—always provided that your argument is sound and helpful to a

TRUTH-SEEKER.

RUSHFORD, MINN., May 14, 1871.

## PRESIDENT BARNARD AND "UNIVERSOLOGY."

TO THE EDITOR OF THE NATION:

SIR: Your amusing notice of "The Primary Synopsis of Universology and Alwato," by Mr. Stephen Pearl Andrews, seems to call for a word or two from me. As I never heard of "Alwato" before, I have nothing to say about that.

It is now some months since Mr. Andrews did me the honor to call upon me, for the purpose, as he said, of stating to me the outlines of a plan of his own, for the classification of human knowledge in such a manner as to exhibit clearly the affiliation and interdependence of all the sciences. As this subject is one which has much occupied the deepest thinkers of all time, from Aristotle down to Herbert Spencer, it ought to have, and perhaps has, a certain degree of "importance." For myself, if I have a special weakness, it is for logical methods, and this may account for the fact that I was interested in the scheme of Mr. Andrews.

In conversation Mr. Andrews does not speak in Alwato, nor (always) in the jargon of which your article furnishes so amusing examples. In explaining his system to me, he used very good American, and made himself, I venture to affirm, very nearly intelligible, an assertion which I should hardly dare to make of Comte, and which no one, I think, who regards his reputation for truthfulness, would dare to make of Hegel or Oken, upon the same subject. As I have heard nothing of "descending wings," or elements "upward and frontwise tending," or other elements "pointing downward and behind," I wish to say that I hardly admit myself to have been guilty of that "culpable amiability" for which you lament the want of a name. Very respectfully, etc.,

F. A. P. BARNARD.

COLUMBIA COLLEGE, May 20, 1871.

## Notes.

MESSRS. G. P. PUTNAM & SONS publish immediately "The Young Mechanic," a book intended to teach boys, and not improbably adults, the use of tools and the construction of mechanical models, together with the art of turning in wood and metal; also, "Till the Doctor Comes," a manual of directions in cases of accident; and, by arrangement with the London publishers, "Thoughts on Health," by James Hinton, M.D.

—A quarterly periodical, called the *School Laboratory of Physical Science*, edited by Professor Gustavus Hinrichs, formerly the scientific editor of the *Iowa School Journal*, is published at Iowa City by Griggs, Watson & Day, at one dollar per annum. Its aim is very concisely set forth in its motto: "Let us hasten the day when an experimentative table, with physical apparatus and specimens, shall be as indispensable an appurtenance of the smallest school-house as a blackboard is now; and when every town of a thousand inhabitants shall possess a good school laboratory, wherein twenty-five pupils can experiment at the same time." The March number is mainly made up of original and selected arguments in favor of laying the foundations of scientific knowledge in the common schools. A few pages are given (presumably, not so many as hereafter) of "Practical Laboratory Notes," describing various instruments by reference to another work of the editor's; "Laboratory News," chiefly relating to Iowa; and brief reviews. This publication may serve to awaken a proper interest in the subject, but its end is to be reached, if at all, by enlarged facilities for the training of teachers—such, for example, as those afforded by the Boston Institute of Technology. It is mortifying to think what sums have been wasted in supplying schools with philo-



sophical apparatus which the teachers did not know how to use, and with libraries of which the scholars had no need.

—The late Mr. George Ticknor's bequest of Spanish works to the Boston Public Library has been ascertained to consist of 3,760 printed volumes, 14 bound manuscript volumes, 598 pamphlets, and several unbound manuscripts. It is stated that no single library in Spain possesses all the books of this collection, while the only collections of equal value are the Spanish Library in the British Museum and the private library of Lord Holland. The choiceness of it, indeed, may be judged from the fact that it was substantially gathered together between the years 1817 and 1838—the interval having been spent in completing rather than in merely adding to it; and as Mr. Ticknor spared no expense to procure the works he desired, it is quite credible, as is asserted, that he raised the prices of Spanish books in all the principal markets. This eminent scholar also bequeathed to the city the sum of four thousand dollars for investment, from the income of which he directed that his collection should be enlarged by the outlay of at least one thousand dollars every five years, for twenty-five years; but in order that its quality might be maintained, he expressed a wish that only such books should be purchased as had been published in some one edition at least five years—"books of permanent value and authority, and neither newspapers, periodicals, nor other popular publications not likely to be of lasting consideration." At the end of the twenty-five years, the income of the fund may be devoted to the purchase of solid books in other than the Spanish and Portuguese languages, if thought advisable. The collection is to be kept together, like the Bates, Bowditch, and Parker collections.

—"Mr. E. P. Knowles's 'Matchless Truth,' a bust in Carrara marble," is thus described by a Wisconsin critic—what it is, and what it "does." We had no idea before of the capacities of American art:

"Truth, carved in marble, must be an intensified composure; an impassioned equanimity; an all-alive repose; a consciousness gathering to itself every separate human consciousness, each in completest subjection to all others. Mr. Knowles's work so does this that a genial awe rises in the beholder while passing from the impressive whole of the face out to the skilful blending which make it up, each feature and line touched with the one vital concept—TRUTH. The bisecting, facial line falls enough to the left, to rest in the anatomical heart, thus happily coupling the seat of the affections with the grandly enthroned moral and intellectual natures above it. The mouth and chin, very critical points in the work, have firmness enough to exclude all equivocal conditions of character; but not so much as to suggest combative or incorrigible soul-posture; the right segment of the mouth shows a slight love curve in the lips; the left portion, more the sanctity of assured rectitude. The moulding of the chin is more of grace than of strength; and if pressed to name a fault in the work, we should query, at least, if there is strength enough here to sustain the royal dignity and grace above it."

—Mr. Lowe's mistake in proposing a match-tax lay not in his borrowing the idea from the United States, but in overlooking the widely opposite conditions of the manufacture in the two countries. The almost exclusive use of machinery for that purpose with us renders the tax one of the soundest and least unpopular of all our ways of raising what we call the internal revenue. It is not on that side, certainly, that we merit the sarcasm which Mr. Lowe's opponents have visited upon us for our financial absurdities. We have even come to be envied a contrivance which we ourselves regard as a necessary nuisance—nothing less than our fractional, postage, or "shipplaster" currency. The London *Bookseller* for May complains that the new Postmaster-General, Mr. Monsell, has cut off an indispensable privilege of the British public—the redemption, namely, of postage-stamps at the post-office itself, or any of its branches. Heretofore, persons wishing to transmit small sums by mail without the trouble and expense of procuring a money-order, have been in the habit (as is common enough with us) of enclosing postage-stamps:

"So universal has this practice become," says the *Bookseller*, "that not a day passes without some reaching us. In our own case, we contrive to use nearly all that come to hand; but, had we any wish to do so, could dispose of them at a neighboring post-office. Now this privilege is to be done away with, and stamps will no longer be salable. What we require is a series of small currency notes, such as may easily be placed in letters; these may be of the value of sixpence, one shilling, and upwards, and pass from hand to hand at full value, or be cashed at any post-office at a small percentage. They would be in general request, and might be made to produce even a greater revenue than the new scheme of the post-office orders."

—In the same number of the *Bookseller* we find the following item confirmatory of its recent exposure of the reckless habits of the English editor and his reviewers:

"A publisher informs us that a few months ago, he on Saturday sent out some review copies of an 8vo volume which, on the following Monday he

subscribed [put out to the trade?]; and that when he reached the Strand, a bookseller to whom he offered the volume, showed him a copy which he had purchased on Saturday evening. Not a single leaf had been cut open; it was stamped 'presented by the publishers;' and, as the bookseller said, therefore could not have been stolen; and, being uncut, produced a higher price than if it had been cut open. Stamping books is, therefore, a useless disfigurement. It will be better to cut them open, so that needy 'critics' may have no pecuniary interest in not reading the books they profess to review."

—The most noticeable recent and forthcoming English publications are as follows: The fourth volume of Freeman's "History of the Norman Conquest;" "Russia in 1870," by Herbert Barry, in which some attentions are paid to Mr. Hepworth Dixon's romancing; "The New Slavery: an Account of the Indian and Chinese Immigrants in British Guiana," by Joseph Beaumont; "Kidnapping in the South Seas," by Captain Palmer, R.N.; "A New Sea and an Old Land," some rather fresh descriptions of Egypt in connection with the opening of the Suez Canal, by W. G. Stanley; "The Desert of the Exodus: or, Journeys on Foot in the Wilderness of the Forty Years," by E. H. Palmer; "A Land Journey from Asia to Europe," by Wm. Athelny Whyte, who travelled by camel and sledge from Canton to St. Petersburg, through the plains of Mongolia and Siberia; and Col. Henry Yule's new version of the "Book of Sir Marco Polo, the Venetian." Tourists will do well to examine Captain J. R. Campbell's "How to see Norway" (Longmans); and "Saturday Afternoon Rambles round London, Rural and Geological," a series of articles by Henry Walker, first printed in the *City Press* (Hodder & Stoughton). Mr. Murray publishes "Rude Stone Monuments in all Countries: their Age and Uses," by James Fergusson, F.R.S.; and a "History of British Commerce from the Conclusion of the Seven Years' War to the Present Time," by Professor Leone Levi, F.S.A. From Macmillan & Co. we are to have "A Treatise on the Origin, Nature, and Use of Wine" by J. W. L. Thudichum and Auguste Dupré; and "Principles of Political Economy," by W. Stanley Jevons. In biography, we have, following close upon Miss Wedgwood's "John Wesley," three works upon the same subject: "Wesley his own Biographer," with an introduction by Geo. Stringer Rowe; "Wesley, his Life and Work," from the French of Rev. Matthew Lelièvre; and "Life and Times of Wesley" (Vol. III.), by Rev. L. Tyerman. In social science, William Logan's "The Great Social Evil: its Causes, Extent, Results, and Remedies," may be recommended as a useful and suggestive work, by a person of large observation. The last edition of John Henry Newman's "Arians" having grown very rare, a new one, almost completely rewritten, is to be published shortly. A volume of poems by a young man named Marston, who is blind, is looked for with some interest, owing to the warm terms of commendation with which his friends speak of his productions.

—The collection of books belonging to Baron Kirkup, of Florence, about to be broken up in London, contains, besides the codices of Dante noticed before, a Petrarch of the fifteenth century, beautifully illuminated in the school of Mantegna, the drawings on dark vellum in gold and silver ink; a MS. Lancelot of the Lake, early fifteenth century, with water-color illumination; a printed Dante on vellum, for which over 1,000 frs. were paid; a beautiful Horæ Beate Virginis, printed on vellum, with the woodcuts worked over in water-color; a copy of the second edition of Vespucci's Voyages, with the title: "Paesi novamente ritrovati per la navigazione de Spagna in Calicut et da Albertutio Vesputio Fiorentino intitulati Mondo Novo, etc." There is also a MS. Dante of 1417 with illuminated initials. Inside the cover of one of the little Italian books is Kirkup's drawing of Giotto's portrait of Dante, discovered by Kirkup in 1848 on the walls of the Bargello prison, now the Museo Nazionale. The copy is a facsimile of the original in the state in which it was found. There is also a copy of Lord Vernon's edition of Dante in three volumes, presented by him only to members of the English nobility whose libraries were supposed to be entailed, Baron Kirkup being probably the only exception to the rule. There is also a most curious collection of antique books on astrology and necromancy, and a miscellaneous lot of ancient and rare modern books, superb bindings, missals, etc., which cannot be described except by catalogue. They will be sold under the direction of Ellis in July. It is more than doubtful if the catalogues will be ready to be sent to America in time to be of any use to our collectors, so that our note may be some guide to the latter.

—There will be a sale of choice impressions of Dürer's copperplates in London, in July. This will include all the most important plates, with some examples of rare excellence. Such a lot, according to the connoisseurs, has not been offered for many years, if ever. Ellis is publishing a

set of our compatriot Whistler's etchings, of Thames River subjects. In England, Whistler is considered the greatest genius amongst the painters of America, and his etchings as the best contemporary work of their class. The Thames furnishes perhaps the most picturesque material of all the rivers of the Old World, and amongst the decaying wharves and decrepit buildings along its banks Whistler has labored diligently. Most of his plates have been destroyed by want of care or by intention, but those from which this series are printed have been rescued almost *malgré lui* by his friends and admirers. Amongst them "St. George's Wharf," with a charming composition of river craft; the "Eagle Wharf," with a mass of old stores, which Hogarth may have painted much in their present state, and which Whistler has rendered with a delicacy of drawing quite unsurpassable; "Wapping Wharf," an especially picturesque subject, with shipping stranded at low tide, are as choice examples of what etching can do as any man since Rembrandt has produced. Some of the plates are evidently far from finished, but on the whole they are a valuable lesson in etching and an acquisition to any collector of works in line. There are in all 16 plates, of which one is a curiously Rembrandtesque portrait of the artist, published at £12 12s. the set, only an edition of 100 being printed.

—May brings round the annual picture sales in London, at which the capitalists who invest in pictures turn their money over and clear out for another lot. The profits of picture-dealing in England are for wise investments quite extraordinary. A picture in the last year's Academy exhibition which was sold at the opening for £800, resold before the close for £1,500; and pictures which have been favorably noticed by an influential critic have quadrupled the money they were sold for on opening-day. The picture business in London resembles the tulip mania in Holland in the days when Dutch merchants had more money than they could invest in rational ways. A Millais, a Rossetti, or a Mason passes from buyer to buyer, rising in value as it goes, until, in some cases, a picture has realized for the last seller during the life of the painter ten times the price he got for painting it, and a remarkably fine example of a popular English painter rises to the scale of prices paid for the greatest of the old masters.

—One of the best of the foreign correspondents of a Boston paper speaks of "the attempt to establish the mediæval commune in Paris." It is natural that in regard to so distant and obscure times knowledge should be vague and inaccurate, and that some of the glory of the mediæval commune should be reflected upon its spurious namesake. But, in point of fact, the two institutions have nothing in common but the name, and a certain fact of community; the nature of the community is entirely different. The Commune of the present day, as we have already shown, aims at a community of *property*; if they had their way, the insurgents would like to abolish private property as well as all social distinctions. The historical commune, on the other hand, implies merely a community of *interests*, and a banding together to protect them. Its origin was the guild; that is to say, it was essentially a *brotherhood*, a personal and purely voluntary relation. It was called *communia jurata*, "sworn commune," an expression which shows that it rested upon an oath taken individually by each member; and this oath bound the members (*jurati*) among other things to the duty of mutual aid and defence. Nothing was further from the thoughts of these men than modern communism, or any interference with established institutions or vested interests, further than was required for the establishment of their local self-government. The commune of the twelfth century was simply one of the many forms of municipal republics that sprang up at that time, using the principle of private association, or brotherhood under oath, as the basis of municipal organization.

—The more or less lamented Gustave Flourens published a few days before his death a work "for the benefit of mankind," called "Paris Livré"—a sort of history of the city from Sedan to the surrender in February. The reading of it will dispose the fair-minded to think better of this Revolutionist than they may have done heretofore. We have only space for one or two extracts, premising that the author always speaks of himself in the third person. The first is sheer lunacy, but reveals the curious history of the man:

"Meanwhile, Flourens, constantly planning how to liberate his friends who had been condemned by the Imperial tribunal at Blois, tried to provoke an insurrection at Athens. His old comrades of the Cretan revolt, the best sub-lieutenants of the Hellenic army, were enthusiastically bent on proclaiming the Republic in Greece. Flourens expected to overthrow without difficulty the feeble bastard government, and then to embark from the shores of Attica sufficient troops for upsetting the authorities at Marseilles, and marching on Paris, if the Empire should not fall before that time. But events followed in such rapid succession that he had

scarcely made his arrangements, when he received the news of the French defeats. He left Athens at once, his heart full of grief, but at the same time abounding in hopeful anticipations. Landing at Trieste," etc., he arrived, after many adventures, in Paris, Sept. 8.

—In the following there is, *per contra*, an amount of sense of which, a few months ago, the ablest Frenchman seemed incapable; and it furnishes, as Karl Blind has pointed out in a letter to the London Times, a complete justification of Germany's conduct after Sedan:

"Two reasonable and manly solutions of the all-absorbing question were possible on the fourth of September, the American and the French solutions. The American solution, which was proposed and sustained by practical people, consisted in immediately concluding peace with Prussia, and in ceding to this power what it claimed and what it had a right to claim; for Prussia was victorious, and had been attacked unjustly by France. In the losses we had experienced we could see only the effects of the Imperial system, not those of the Republic; for the Republic could not be made responsible for the crimes, follies, and rapacity of its murderer. The Empire had become bankrupt; its balance closed with a gigantic deficit. It behooved the new Republic not to assume this miserable burden, but to liquidate as soon as possible.

"The second or French mode of solving the question originated among political enthusiasts, and consisted in the continuation of the fight. This way of getting rid of the invaders involved a war to the knife—stripping the country of all its resources, and hurling all its men and strength against the enemy with the fury of despair. The country could be victorious only by its own ruin.

"Each of these solutions possessed its peculiar advantages, and each of them might, if well applied, have saved France. Certainly, no third way of saving the country existed in the minds of reasonable men, nor could there be any compromise between these two alternatives. Yet it was just this third, hybrid policy which was adopted by the Committee of National Defence. The men composing that body continued the war according to the Imperial system, allowing the generals of the Empire to retain their charge. Such measures were of course equivalent to inevitable defeat."

When we add that Flourens does not waste breath in abusing the Germans as barbarians, and that he ridicules the barricade system of his friend Rochefort, we shall have given enough of the contents of his book to prove it worthy of examination.

#### CULTURE AND RELIGION.\*

THIS little volume, which has excited, and deservedly excited, a great deal of interest both here and in England, consists of a series of five lectures, delivered by Principal Shairp to the students of the United College of St. Salvator and St. Leonard, last winter, in which he attempts to show that there can be no real culture in which religion does not play the leading part. He takes up the two theories of culture—the scientific, as propounded by Huxley, and the literary, as propounded by Matthew Arnold—and endeavors to prove that the former is false, owing to the total exclusion of religion, and the latter defective, owing to the subordinate position assigned to religion in the composition of the ideal on which it rests. The Huxley theory of culture may be gathered from this gentleman's definition of a truly well-educated man. "That man," he says, "has had a liberal education who has been so trained in youth that his body is the ready servant of his will, and does with ease and pleasure all the work that, as a mechanism, it is capable of; whose intellect is a clear cold logic engine, with all its parts of equal strength, and in smooth working order; ready, like a steam-engine, to be turned to any kind of work, and spin the gossamers as well as forge the anchors of the mind; whose mind is stored with a knowledge of the great and fundamental truths of nature, and of the laws of her operations; one who, no stunted ascetic, is full of life and fire, but whose passions are trained to come to heel by a vigorous will—the servant of a tender conscience; who has learned to love all beauty, whether of science or art, to hate all vileness, and to respect others as himself." Elsewhere he explains his view of the part played by man in this world by the striking and well-known figure of the game of chess, played on one side by man himself, and, on the other, by a "calm, strong angel," hidden from mortal sight, and who, though "his play is always fair, just, and patient, and though he would rather lose than win," "never overlooks a mistake, or makes the smallest allowance for ignorance." The aim of man in cultivating himself, therefore, should be, he holds, to learn the rules of this mighty game, or, in other words, to find out what are the laws of nature, and to bring his whole being, as far as he can, into harmony with them. In this theory of culture, as is easily seen, religion, in the ordinary accep-

\* "Culture and Religion in Some of their Relations. By J. C. Shairp, Principal of the United College of St. Salvator and St. Leonard, St. Andrews." (Reprinted from the Edinburgh edition.) New York: Hurd & Houghton. 1871.



tation of the term, holds no place whatever. The sphere in which the religious sentiment finds its food is shut out from us by an impenetrable veil.

According to the literary and æsthetic theory of culture, on the other hand, the aim of culture is, says Mr. Arnold, "to make reason and the kingdom of God prevail." As a means to this end, it seeks the perfection of human nature on all sides and in all its capacities; and, in order to discover in what this perfection consists, it seeks aid from science, poetry, philosophy, history, and religion, but from religion in no greater degree than from the others. Religion is an instrument of culture, but only one of many. The Hebrew (or Puritan) training is defective, because religion plays too large a part in it; the Hellenic, because in it religion does not play a part large enough. The aims of culture, however, coincide with the aims of religion, for it places perfection in an internal condition of soul, and makes a progressiveness, or "a growing and becoming," and not "a having and resting," its great characteristic, and maintains that true perfection must not be self-contained, but must embrace the good of others equally with our own.

Principal Shairp's objections to the scientific theory of culture might be readily guessed. The first is, that it divides all possible objects of thought into two classes of phenomena—"sensuous objects, and our unsensuous ideas of them;" whereas, there is, to the religious man, a third class of objects of thought—"the unsensuous percipients, or spirits, which each of us is conscious that he himself is." The second objection is, that this theory wants a lever, or adequate source of whatever is good in it. Where does it get "the tender conscience," and the respect for others, which it holds to be so important, if man lives solely under the operation of fixed laws? A mere study of these laws would not supply them. Moreover—and this seems to us the strongest and certainly the most impressive of Mr. Shairp's points against it—the great game of life has two sides, a side which is visible and tangible, and a side which is moral and invisible. According to all outward appearance, a man may be losing at every move, through ignorance or mistake. Pain, sorrow, poverty, death, and all other woes of this life, if other woes there be, may come upon him in spite of what Professor Huxley pronounces the proper training, and yet he may be on the moral side, winning all the while, and may close victorious, with every prize he set before himself firmly in his grasp. To the literary theory of culture, Mr. Shairp objects that it makes primary what ought to be secondary, and secondary what ought to be supreme; that is, Mr. Arnold errs in treating religion as only one of many means of culture. Religion is, Mr. Shairp holds, however, an end in itself, to which culture is but a means; a good in itself, to be pursued for its own sake, or not at all; and, in support and illustration of this view, he cites the remarkable law of ethics which Dr. Newman has expressed so happily that it has been proposed to name it "Newman's law." "All virtue and goodness tend to make men powerful in this world, but they who aim at the power have not the virtue. Again: Virtue is its own reward, and brings with it the truest and highest pleasures; but they who cultivate it for the pleasure's sake are selfish, not religious, and will never gain the pleasure, because they never can have the virtue." Applying this law to the relations of religion and culture, Mr. Shairp maintains that, if we seek religion as a means of culture, we can never have the religion; it cannot play any real part in shaping our lives. If, on the other hand, we start with some sense of God, and our relations to him, and go on from this centre, we shall attain the highest culture—that is, something which ceases to be culture merely, and becomes religion itself—the idea, in short, which is expressed in Christ's saying, "Seek ye first the kingdom of God, and all other things will be added unto you."

His second objection to the literary theory of culture is, that the consciousness of the effort after perfection which it prescribes must make the attainment of that perfection impossible, because all such efforts must involve constant self-reference, a thought of self, which is entirely incompatible with perfection. Lastly, he maintains Mr. Arnold's culture could hardly ever prove a bond of brotherhood, because the great mass of mankind must be for ever incapable of laying hold of it. Those who achieve it, therefore, must always find themselves in the position of a fastidious and exclusive class.

It can be readily gathered from the foregoing what Principal Shairp's own theory of culture is, though we recommend a careful reading of the lecture on the "Combination of Religion and Culture" as essential to a complete understanding of his position. Religion, in other words, a constant sense of God's presence and power, a constant reference to his will, as the great source of light and life, and a constant striving after

"oneness" with him, or, in plainer English, harmony with his will, are in Mr. Shairp's mind, not only the great and only means of culture, but, finally, culture itself. Nothing can be sweeter, simpler, clearer, than his exposition of his views, and he has the still rarer merit of clearly understanding his opponents' position, and strives earnestly and successfully to do them full justice. In short, there has of late been no contribution so valuable to a discussion which grows in interest and importance from year to year, and which every thoughtful man now follows with real anxiety. All those of us who have risen above the gratification of the mere animal wants—that is, all that portion of mankind which is making contributions to the work of civilization—live in pursuit of an ideal of some kind; and the character of both individuals and nations undoubtedly depends on the nature of this ideal, and on the earnestness and persistence with which it is pursued. Ideals, of course, differ; but all that portion of society which occupies itself with ideals at all, has been of late divided in its worship between the three which Mr. Shairp sketches. The religious ideal has for many ages had the world to itself; it now finds formidable rivals in the scientific and literary ideal. The two latter now win over every year greater and greater numbers of those who call themselves "men of culture," or who value culture. The religious ideal, too, has lost much of its hold on the minds of those who make no pretensions to culture, owing to the changed part which theology has of late played in the regulation of life. When it furnished rules of conduct for practical use, it had for a great number of minds of coarse fibre all the attraction of a useful body of law; and when it threatened the masses with future and easily pictured penalties for present transgressions, it secured an attention which is always paid to a means of protection against a much threatened danger. But we confess that, considering the actual condition of men's minds, it is impossible to rise from Principal Shairp's account of it, and of the means by which he still proposes to enable it to retain its supremacy over human life, without a painful sense of disappointment; without feeling that, if this be the only mode of bringing religion and culture into harmony, and furnishing the race with that strongest of all bonds of brotherhood, a common and lofty conception of the ends of living and doing, we are still far from the end of the existing anarchy. There is, as it seems to us, this defect in the means to which he and many religious men look for the grand reconciliation of conflicting aims and creeds. He withdraws his theory of culture totally and completely from the examination of the intellect. He will not suffer it to be tested by the scientific method. He says it must be apprehended by the "spiritual sense," an inner light, lying behind the mind, and illuminating it, and informing it, and furnishing the simplest and humblest with means of laying hold of religious truth—that is, the highest truth—the knowledge of God's character. Of the existence of this truth in the mind there is, however, no test whatever to which any two persons can appeal. We cannot judge of its existence by results or "fruits," as displayed in external conduct, for they may, to our eye, be precisely similar in a Huxleyite or Arnoldite and in a Spiritualist. Religious culture is thus reduced to a matter of individual experience, which may differ in every different person, and which it would be, as we indeed know it to be, useless to attempt to treat as the basis of a common ideal. Spiritual truth, as Professor Shairp describes it, and apprehended as he says it can alone be apprehended, produces phenomena so widely separated as Spurgeon, John Henry Newman, and Theodore Parker, Loyola, Torquemada, and Miss Jones, who died a real martyr as a nurse in a Liverpool workhouse, and whose eulogy Florence Nightingale has written. The true kingdom of God on earth must, however, whenever it comes, be surely the result of a general union not simply of feelings, but of ideas about the great problems of life.

There is an enormous class of minds for which Mr. Shairp's system really makes no provision—minds which are prevented by their very constitution from wandering on the dimly-lighted border-land which men of a saintlier or more mystic turn so dearly love, who must see clearly or not at all, and must apprehend through the intellect, or remain totally ignorant. It is useless to tell them that they can if they will. They have been hearing this for two thousand years, and are no nearer spiritual culture, as Mr. Shairp describes it, than ever. Nay, they are daily going off in larger and larger numbers, and framing theories of culture and duty adapted to their special needs, but which, whatever their scientific claims to attention may be, there is no denying, have as yet done little to supply any solid rule of conduct, or give as yet but little sign of shedding on the latter stages of the way appointed for all living the tender radiance of the older beliefs.

*A Medico-Legal Treatise on Malpractice and Medical Evidence.* Comprising the Elements of Medical Jurisprudence. By John J. Elwell, M.D., Member of the Cleveland Bar, etc. Third edition, revised and enlarged. (New York: Baker, Voorhis & Co.)—The number and importance of American contributions to the literature of medical jurisprudence are noteworthy facts. Since Professor Beck first brought his ponderous book into the world, there have been several laborers in the same field who are entitled to rank in the first class; notably Wharton and Stillé, whose admirable philosophical treatise is as attractive to the student as it is useful to the practitioner; and, in one department, Dr. Ray. This book of Dr. Elwell's, though limited in scope and unpretentious in its claims, will, perhaps, be oftener taken from its shelf in a working library than some of its bigger predecessors. Its special value is in two points: 1st. Regarding malpractice, the law of which gets, in twelve chapters, a more satisfactory and convenient statement than we know of elsewhere, with copious citations of adjudicated cases; and, 2d, Concerning the judicial bearings of insanity. Although the author treats this subject at less length than the first-mentioned, yet his views of it are so judiciously conceived and so clearly expressed as to give particular value to this part of his book. The doctrine of momentary moral insanity finds scant favor at his hands. It is singular that we have as yet no convenient name for this disease, latterly of almost epidemic prevalence in America, and which, besides sometimes involving its subjects in considerable temporary inconvenience, threatens to place our social order at their mercy. The disorder which the eye-doctors, with that passion for Greek roots which is a part of their very being, now love to call dyschromatopsia, and which is known to the vulgar as color-blindness, went for a while under the name of Daltonism, in commemoration of the great chemist who offered an eminent example of it in his own person. Dr. Elwell's citation of the well-known case of one of the

early sufferers from this unnamed mental disease (since happily restored to great usefulness as a warrior and statesman) suggests that the name "Sicklesism" might fill the nosological hiatus that we deplore. Disputed claims for life insurance and for indemnity for bodily injuries against railways are so frequent nowadays that somebody will have to make a book on the subject. There is a little book by Mr. Erichsen, a distinguished London surgeon, which we believe is regarded with extreme disfavor by respondent railways and accident insurance companies, but it treats of such injuries merely from the surgical point of view, and something of wider scope is required. Dr. Elwell has done so well and so practically in some of his chapters, that we regret that he did not amplify his third edition in this direction. The need of some such authority is illustrated by the statement lately made to us by the claim-adjuster of a company whose specialty is insurance against injury and death by accident: "I have found \$200,000 worth of 'dead men' for my company;" his latest *coup* in this line having been to produce in open Court a \$5,000 "dead man," walking between two constables, and then and there to restore him to the more or less reluctant bosom of his stricken but litigant heirs. Of course, where we have fictitious deaths occurring with such frequency, we must expect fictitious injuries in due proportion, and the investigation of either is often a perplexing puzzle.

This being the third edition of Dr. E.'s book, it would not be captious to ask a more immaculate typography than it has to show. The Ohio printers have had their wicked will with some of the law Latin and hard names; they send forth two standard chemists, Reinsch and Scheele, disguised as Wrensch and Sheilda. It is hard, too, that even so exemplary a criminal as James Stephens should have been *sus. per coll.* in New York in 1859, just after the first edition, and yet in 1871 be kept in *gremio legis* by having his case "still before the Court of Appeals, on important questions of law."

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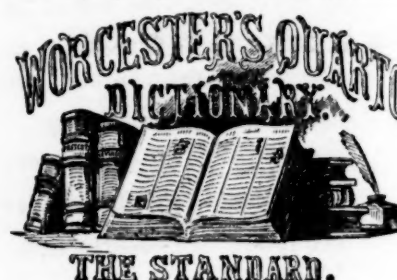
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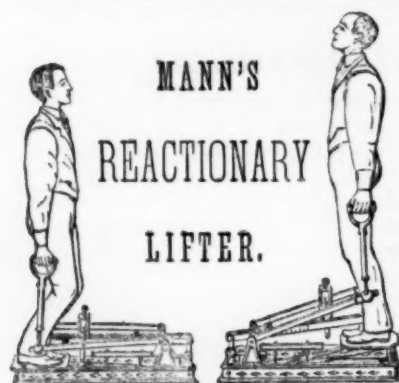
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